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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/113,446	07/10/98	WAGNER	G 003470.P005

PM82/1124
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EXAMINER

ANDERSON, G

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/24/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/113,446

Applicant(s)
G. Wagner et al

Examiner
Jerry A. Anderson

Group Art Unit
3624



☒ Responsive to communication(s) filed on 23 Sep 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) 1-5 is/are withdrawn from consideration.

☐ Claim(s) is/are allowed.

☒ Claim(s) 6-13 is/are rejected.

☐ Claim(s) is/are objected to.

☐ Claims are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). .

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Part III DETAILED ACTION

1. Applicant's election without traverse of claims 6-13 in Paper No. 3 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6 and 12 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by

Tomaki or Bottazzi.

Claims 6-8, 12 and 13 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated

by Schmidt et al.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 9 and 10 are rejected under 35 U.S.C. § 103 as being unpatentable over Schmidt et al as cited above and further in view of Matone, Jr. et al. Schmidt et al fails show a gasket.

Matone Jr. is cited showing a gasket for the purpose of sealing a housing for an electrical device.

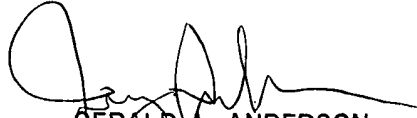
Since the references are from the same field of endeavor the purpose of Matone Jr. would have been obvious in the pertinent art of Schmidt et al and it would have been obvious for one having an ordinary skill in the art to have modified Schmidt et al with a gasket for the purpose of sealing a housing for an electrical device in view of Matone Jr..

6. Claim 11 is rejected under 35 U.S.C. § 103 as being unpatentable over Schmidt in view of Mottmiller et al. Schmidt fails show a T-shaped tongue element. Mottmiller is cited showing a T-shaped tongue element for the purpose of connecting one molded element to another in a plastic housing. Since the references are from the same field of endeavor the purpose of Mottmiller would have been obvious in the pertinent art of Schmidt et al and it would have been obvious for one having an ordinary skill in the art to have modified Schmidt with a T-shaped tongue element for the purpose of connecting one molded element to another in a plastic housing in view of Mottmiller.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Gerald Anderson whose telephone number is (703) 308-2202.

gaa

November 22, 1999


GERALD A. ANDERSON
PATENT EXAMINER